

**2003 DRAFTING REQUEST****Bill**Received: **11/20/2002**Received By: **mshovers**Wanted: **As time permits**

Identical to LRB:

For: **Garey Bies (608) 266-5350**By/Representing: **Sherab**This file may be shown to any legislator: **NO**Drafter: **mshovers**

May Contact:

Addl. Drafters: **rchampag**Subject: **Munis - miscellaneous  
Counties - miscellaneous  
Employ Pub - collective bargain**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Bies@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Disciplinary proceures for certain local law enforcement officers and fire fighters

---

**Instructions:**

See Attached. Redraft 2001 AB 424 (LRB -3168/1). For /2, add 01a0698/1, SA 1 to '01 SB 185.

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 11/27/2002 rchampag 11/27/2002	wjackson 01/13/2003					S&L
/1			rschluet		amentkow		S&L

*Per:  
Andrew Nowlan  
in Rep. Bies Office*

01/31/2003 10:30:52 AM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			01/13/2003		01/13/2003		
/2	mshovers 01/17/2003	wjackson 01/17/2003	rschluet 01/23/2003		mbarman 01/23/2003	amentkow 01/31/2003	

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01/23/2003 08:43:15 AM

Page 1

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/1			rschluet	_____	amentkow		S&L

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/2	mshovers	wjackson	rschluet	_____	mbarman		
	01/17/2003	01/17/2003	01/23/2003	_____	01/23/2003		

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By/Representing: Sherab

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**Counties - miscellaneous**  
**Employ Pub - collective bargain**

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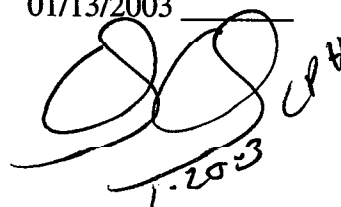
**Instructions:**

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/1	mshovers		rschluet 01/13/2003		amentkow 01/13/2003		

/2 MES 1/17/01



01/17/2003 10:47:44 AM

Page 2

FE Sent For:

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01/13/2003 01:00:11 PM

Page 1

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Employ Pub - collective bargain**

Extra Copies:

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Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

Disciplinary proceures for certain local law enforcement officers and fire fighters

---

**Instructions:**See Attached. Redraft 2001 AB ~~for LRB 470912~~*424 (LRB-3168) for /2 add 01-00698/1,  
SAI to '01 SB185*

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**Drafting History:**

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/1			rschluet		amentkow		

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01/13/2003 \_\_\_\_\_

01/13/2003

FE Sent For:

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**2003 DRAFTING REQUEST****Bill**

Received: 11/20/2002

Received By: mshovers

Wanted: As time permits

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By/Representing: Sherab

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

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Subject: Munis - miscellaneous  
Counties - miscellaneous  
Employ Pub - collective bargain

Extra Copies:

Submit via email: YES

Requester's email: Rep.Bies@legis.state.wi.us

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Disciplinary proceures for certain local law enforcement officers and fire fighters

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**Instructions:**

See Attached. Redraft 2001 AB 895 (LRB -4799/2)

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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1/1ME5 11/27/02 1WJ 1/13  
FE Sent For:

  
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1-13-3

**Shovers, Marc**

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**From:** Phunkyi, Sherab  
**Sent:** Tuesday, November 19, 2002 9:53 AM  
**To:** Shovers, Marc  
**Subject:** Redrafting Request

Marc,

Could you please redraft LRB 3168/1 (AB-424) for possible reintroduction during the upcoming legislative session and advise?

Thanks for your time and efforts.

**Sherab C. Phunkyi**  
**Legislative Assistant to Rep. Garey Bies**  
**First Assembly District**  
**125 West, State Capital**  
**Phone: (608) 266-5350**  
**Fax: (608) 282-3601**  
**Toll Free: (888) 482-0001**

**2001 DRAFTING REQUEST**

**Bill**

Received: **04/26/2001**

Wanted: **As time permits**

For: **Garey Bies (608) 266-5350**

This file may be shown to any legislator: **NO**

May Contact:

Subject: **Munis - miscellaneous  
Employ Pub - civil service**

Submit via email: **NO**

Requester's email:

**Pre Topic:**

No specific pre topic given

**Topic:**

Law enforcement officers, fire fighters; discipline, appeals

**Instructions:**

Companion to LRB -1073/2; Similar to 1997 SB 520 (LRB 97-4934/2), but counties don't need to be covered because of the State Supreme Court's decision in Eau Claire County v. General Teamsters Union Local no. 662, 2000 WI 57, 228 Wis. 2d 640, 599 N.W. 2d 423 (2000)

**Drafting History:**

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/1			jfrantze 04/30/2001		lrb_docadmin 04/30/2001	lrb_docadmin 05/25/2001	

2003/2001 ASSEMBLY BILL 424

May 31, 2001 – Introduced by Representatives BIES, FRISKE, OTT, STARZYK, TRAVIS, TURNER, BOYLE, JOHNSRUD, KREIBICH, LIPPERT, BERCEAU, POCAN, PLALE, STONE, SYKORA, HYBA, MILLER, J. LEHMAN and LASSA, cosponsored by Senators BURKE, WELCH, SHIBILSKI, BRESKE, DECKER, ERPENBACH, GEORGE, MOEN, PLACHE, RISSER and ROBSON. Referred to Committee on Labor and Workforce Development.

- 1 AN ACT to amend 62.13 (5) (i) of the statutes; relating to: disciplinary  
2 procedures for certain local law enforcement officers and fire fighters.

*Analysis by the Legislative Reference Bureau*

Generally, under current law, a law enforcement officer or fire fighter employed by a city, village, town, or county (local public safety officer) may be disciplined by a police or fire chief, sheriff, county board, civil service commission, grievance committee, or board of police and fire commissioners, depending on the unit of government for which the officer works and whether the county for which the officer works has in effect a civil service system. Discipline, under current law, includes suspension, reduction in rank, suspension, and reduction in rank and dismissal.

Also under current law, except with regard to police officers and fire fighters employed by a first class city (presently only Milwaukee), no local public safety officer may be suspended, reduced in rank, suspended and reduced in rank, or dismissed by a grievance committee, civil service commission, county board, or board of police and fire commissioners (tribunal) unless the tribunal determines that there is "just cause," as described in the statutes, to sustain the charges that have been brought against the local public safety officer. If the charges are sustained and the officer is disciplined under an order of the tribunal, he or she may appeal the order to the circuit court, except that a county law enforcement officer, under a recent decision of the Wisconsin supreme court, may proceed either with an appeal to the circuit court or with the grievance procedures, including arbitration, in the officer's collective bargaining agreement. The trial based on the appeal is before the court. The court must determine whether, upon the evidence and based on the statutory

**ASSEMBLY BILL 424**

description of "just cause," to sustain the charges against the accused officer and the tribunal's order. If the charges and the tribunal's order are sustained, the tribunal's order is final and conclusive. If the court reverses the tribunal's order, the officer is reinstated and entitled to pay as though he or she was in continuous service. Similar procedures, other than the "just cause" standard, apply to police officers employed by a first class city.

Under this bill, for city, village, or town public safety officers, if an accused officer is subject to the terms of a collective bargaining agreement that provides an alternative to the appeal process to a circuit court, the appeal process in the collective bargaining agreement applies to the accused officer and not the current law process that involves an appeal to a circuit court, unless the officer chooses to appeal the tribunal's decision to a circuit court. An accused officer who chooses to appeal the tribunal's decision through a collectively bargained alternative to the current law appeal process is considered to have waived his or her right to circuit court review of the tribunal's decision. The provisions of this bill do not apply to police officers or fire fighters employed by a first class city.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 62.13 (5) (i)<sup>√</sup> of the statutes is amended to read:

2           62.13 (5) (i) Any person suspended, reduced, suspended and reduced, or  
3 removed by the board may appeal from the order of the board to the circuit court by  
4 serving written notice of the appeal on the secretary of the board within 10 days after  
5 the order is filed. Within 5 days after receiving written notice of the appeal, the board  
6 shall certify to the clerk of the circuit court the record of the proceedings, including  
7 all documents, testimony and minutes. The action shall then be at issue and shall  
8 have precedence over any other cause of a different nature pending in the court,  
9 which shall always be open to the trial thereof. The court shall upon application of  
10 the accused or of the board fix a date of trial, which shall not be later than 15 days  
11 after such application except by agreement. The trial shall be by the court and upon  
12 the return of the board, except that the court may require further return or the taking

**ASSEMBLY BILL 424**

1 and return of further evidence by the board. The question to be determined by the  
2 court shall be: Upon the evidence is there just cause, as described under par. (em),  
3 to sustain the charges against the accused? No costs shall be allowed either party  
4 and the clerk's fees shall be paid by the city. If the order of the board is reversed, the  
5 accused shall be forthwith reinstated and entitled to pay as though in continuous  
6 service. If the order of the board is sustained it shall be final and conclusive. This  
7 paragraph does not apply to any person who is suspended, reduced, suspended and  
8 reduced, or removed by the board or by a committee or person acting under this  
9 subsection in place of a board, and who is subject to the terms of a collective  
10 bargaining agreement entered into under subch. IV of ch. 111 that provides an  
11 alternative to the appeals procedure specified in this paragraph, unless the person  
12 chooses to appeal the order to circuit court. An accused person who chooses to appeal  
13 the decision of the board through a collectively bargained alternative to the appeals  
14 procedure specified in this paragraph is considered to have waived his or her right  
15 to circuit court review of the board decision.

**SECTION 2. Initial applicability.**

17 (1) This act first applies to any city, village, or town whose employees are  
18 covered by a collective bargaining agreement that is in effect on the effective date of  
19 this subsection upon the expiration, extension, renewal, or modification of the  
20 agreement.

21 (END)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0812/1

MES&RAC:wlj:rs

stays

↓  
RMR

2003 BILL

REGEN

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**BILL**

No  
If *If the alternative to the appeals process includes a hearing the hearing must be open to the public*

description of "just cause," to sustain the charges against the accused officer and the tribunal's order. If the charges and the tribunal's order are sustained, the tribunal's order is final and conclusive. If the court reverses the tribunal's order, the officer is reinstated and entitled to pay as though he or she was in continuous service. Similar procedures, other than the "just cause" standard, apply to police officers employed by a first class city.

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**SECTION 2. Initial applicability.**

17 (1) This act first applies to any city, village, or town whose employees are  
18 covered by a collective bargaining agreement that is in effect on the effective date of  
19 this subsection upon the expiration, extension, renewal, or modification of the  
20 agreement.

(END)

**SENATE AMENDMENT 1,  
TO 2001 SENATE BILL 185**

October 4, 2001 - Offered by Senator BURKE.

INS  
3-12

(At the locations indicated, amend the bill as follows:

1. Page 3, line 12: after "court." insert If the alternative to the appeals procedure includes a hearing, the hearing shall be open to the public with reasonable advance notice given by the employer.

(END)

**Mentkowski, Annie**

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**From:** Mentkowski, Annie  
**Sent:** Friday, January 31, 2003 10:28 AM  
**To:** Nowlan, Andrew  
**Subject:** LRB-0812

01/31/2003